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C O N F I D E N T I A L SECTION 01 OF 02 ABIDJAN 000200

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SUBJECT: COTE D'IVOIRE: IDENTIFICATION PROCEEDING SLOWLY

REF: A. 06 ABIDJAN 00903

¶B. 06 ABIDJAN 00128

Classified By: PolOff Laura Taylor-Kale, Reasons 1.4 (b & d)

¶11. (U) SUMMARY: The identification process continues to proceed at a snail's pace. Two courts in Abidjan are issuing both birth certificates and certificates of nationality despite the lack of political agreement on Prime Minister Banny's revised procedures which call for issuing these two documents separately. Poloff visited the Adjame court where to date less than 400 birth certificates and only 150 certificates of nationality have been issued. The Prime Minister is trying to maintain some semblance of control over the audiences foraines (AF) and expand the number of courts, but since their resumption on January 19 only two courts have opened, the Adjame and Attecoube districts of Abidjan, despite weekly announcements by the Ministry of Justice that twelve new courts will open. Court clerks and magistrates continue to threaten to strike and hamper the efforts to expand the courts unless the government gives them the full per diem they believe was promised to them for their travel to the AF sites. The Ministry of Justice continues to hold the portfolio of the identification hearings even though the Prime Minister said he was taking it over. Opposition party leaders have complained bitterly in the press that the Prime Minister's office has poorly managed the re-launch of the hearings and has given in to pressure from the President's camp aimed at complicating the process to obtain certificates of nationality. On the one hand, the decisions of these mobile courts could well still be challenged at a later date by the Gbagbo camp; on the other, continued lack of participation in identification may discredit the opposition.

END SUMMARY

¶12. (SBU) Poloff visited the AF court of Adjame, a predominantly working class and ethnically northern district within Abidjan on February 15, and met with Adjame's opposition RDR (Rally of Republicans), Mayor Youssouf SYLLA, as well as the court tribunal. The mayor reported that since the re-launch of identification in Adjame on January 19, participation has been lower than expected with only 360 birth certificates and 150 certificates of nationality issued to date. Mayor Sylla expressed concern that participation in identification was low despite all their efforts to publicize and encourage inhabitants and particularly RDR faithful to register and obtain their identity papers. The Mayor's office has sought to publicize the identification hearings in the neighborhoods of Adjame through word of mouth and radio announcements. The mayor also noted that his office conducted a door-to-door campaign among the RDR party members to survey who needed identity papers and further publicize the AF. He said they had found 1500 RDR party members who lacked identification papers but he lamented that none of these people have shown up at the court.

¶13. (C) Poloff observed the court in session and the adjudication of several cases, which rather resembles visa adjudication, as the burden of proof is on the applicant,

combined with the drama of a "Judge Judy" courtroom. Because of the controversy preceding the 2006 launch of the AF where President Gbagbo and the FPI party challenged the legitimacy of the courts' mandate to issue nationality certificates, the Judge, Ehounou Kan MANLAN of the Adjame court and president of Transparency International in Cote d'Ivoire, feels it is important to proceed carefully with the cases, especially those in which the petitioner is claiming Ivorian nationality.

¶4. (SBU) The only requirements for petitioning for a birth certificate (the first step to gaining national identity papers if the petitioner is determined indeed to be Ivorian) are that the petitioner must (1) be at least 13 years of age (as determined by the AF medical examiner) and (2) bring two witnesses who are older than the petitioner. Judge Manlan explained to Poloff that the cases where both parents are present as witnesses are the simplest to adjudicate; however, this is rarely the case. Typically one or both parents are deceased and the judge has to determine the credibility of the witnesses. Petitioners and witnesses often confuse the concept of mother, daughter, aunt, cousin, etc in the French language with traditional notions of familial relationships that consider the children of one's parents' siblings as sisters or brothers rather than cousins (in some local languages, including the Dioula language spoken by most northerners, the word "cousin" doesn't even exist). Judge Manlan believes this sometimes deliberate exploitation of the confusion between traditional notions of family and the modern state's definitions casts doubt on the statements of witnesses in support of the petitioner's claim to Ivorian nationality. Since the tribunal cannot conduct an investigation into each case they are forced to ask the petitioner to bring other witnesses which further lengthens

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the process.

¶5. (C) Judge Manlan noted that he is under great pressure from the Ministry of Justice (NOTE: Minister of Justice was also a member of the New Forces' Ouagadougou negotiating team. END NOTE) to proceed swiftly in deciding cases and to issue certificates of nationality as expeditiously as possible. He noted that the tribunal and the medical office may receive up to 40 or 60 petitions a day but the tribunal is proceeding slowly with the nationality certificate cases to avoid mistakenly giving citizenship to those who are not Ivorian. In order to accurately decide on the issuance of the certificates, Judge Manlan prefers to review the petitions and accompanying evidence carefully and away from the occasionally distracting drama of the AF courts. He strongly believes that delivering certificates of nationality at the AF, under pressure, could lead to issuing certificates to those who do not qualify.

¶6. (C) Judge Manlan also fears that for cultural reasons people will use AF to legitimize children born out-of-wedlock by using other relatives as witnesses to establish the paternal relationship and then adding the father's name on the birth certificate without his expressed consent. This melding of socio-cultural concerns with the legal and political problem of identifying the estimated 3.5 - 4 million undocumented people in Cote d'Ivoire further intensifies the pressure on the tribunal to be circumspect in determining the credibility of the witnesses and therefore the legitimacy of the claim of Ivorian nationality.

¶7. (C) COMMENT: The AF highlight the challenges of marrying a modern Ivorian state with traditional society. Continued low turnout in the identification process may undermine the opposition's contention that identification is an essential step before elections. Further undermining the opposition's arguments is the very slow pace at which the AF is proceeding. At the current rate, identification could not be completed until long after the October 2007 date currently scheduled for elections. END COMMENT

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